

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:11CR88</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>TENTATIVE FINDINGS</b>
	)	
<b>ROBERT SOUTH,</b>	)	
	)	
<b>Defendant.</b>	)	

The Court has received the Revised Presentence Investigation Report ("PSR") and the government's objections thereto (Filing No. 38). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The government does not object to any specific portion of the PSR, and merely states it "stands by the Plea Agreement." The government did not raise any objections to the Probation Officer. The Court assumes the government refers to the agreement under Federal Rule of Criminal Procedure 11(c)(1)(C) for a 30-month sentence. This matter will be addressed at sentencing.

**IT IS ORDERED:**

1. The government's objection to the PSR will be discussed at sentencing;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 5<sup>th</sup> day of October, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge